UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr
GENERAL

CERD/C/372/Add.2
22 October 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic reports of States parties due in 2000

Addendum

Republic of Moldova*

* This document contains the initial, second, third and fourth periodic reports of the Republic of Moldova due on 1 March 1994, 1996, 1998 and 2000, respectively, submitted in one document

GE.01-45338 (E) 141201

CONTENTS

			Paragraphs	Page
I	GENERAL MEASURES OF IMPLEMENTATION		1 - 31	3
	A	Institutional framework	1 - 5	3
	B	Legislative framework	6 - 7	4
	C	Government strategies	8 - 26	5
	D	Department for National Relations and Languages	27 - 28	8
	E	State Service on Religious Issues	29 - 31	10
II	PREVENTION OF DISCRIMINATORY PRACTICES		32 - 33	11
III	POLITICAL, CIVIL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE RIGHT TO PERSONAL SECURITY AND NON-DISCRIMINATORY ACCESS TO PUBLIC SERVICES		34 - 85	12
	A	Right to equal treatment before the courts or any other organ of the administration of justice	35 - 41	12
	B	Right to personal security and the protection of the State against violence or abuse	42 - 46	13
	C	Political rights, and the right to equal access to the public service	47 - 50	17
	D	Civil and political rights	51 - 66	18
	E	Economic, social and cultural rights	67 - 80	23
	F	Right to have access to all public places and services	81 - 85	28
IV	EDUCATION AND TRAINING, CULTURE, INFORMATION		86 - 149	28
	A	Education	86 - 113	28
	B	Culture	114 - 139	35
	C	Publications and audio-visual broadcasting	140 - 149	40
References				46

I. GENERAL MEASURES OF IMPLEMENTATION

A. Institutional framework

1 The international legal instruments to which the Republic of Moldova adhered, ensured the creation of specialized institutions called upon to secure for ethnic minorities all the rights prescribed in the present legislation. The main institutions include:

Parliamentary Committee on Human Rights, Religious Groups, Ethnic Minorities and External Communities;

Department for National Relations and Languages;

State Service on Religious Issues;

Presidential Commission on Interethnic Relations composed of 12 experts, established in January 1998;

A specialized service within the Ministry of Education and Science;

A prosecutor for minorities;

Inclusion in the personnel of each judet civil servants responsible for the supervision of the situation of ethnic minorities in the respective region and of their languages;

Parliamentary Advocates who have the right to appeal to the Constitutional Court on matters concerning the constitutionality of laws and regulations, including in the area of human rights.

2 We can say that in the course of nine years of independence (since 2 August 1991) there has been created a legal and international basis for the protection of ethnic minorities in the Republic of Moldova.

3 The foundation was laid down in the Declaration of Independence of the Republic of Moldova, which provides that the Supreme Forum of the State "ensures the exercise of social, economic and cultural rights and political freedoms of all citizens of the Republic of Moldova, including persons belonging to minority groups (national, ethnic, linguistic and religious), in compliance with the provisions of the Helsinki Final Act and the subsequently adopted documents, [and] with the Paris Charter for a New Europe".

4 In January 1997 the Law on Publi Associations came into force (Monitorul Oficial No 6 of 23 January 1997). To date, according to this law, 46 ethnic-cultural organizations have been registered at the Ministry of Justice of the Republic of Moldova.

5 On June 1996 the Palace of Nationalities was inaugurated by the Department for National Relations and Languages.

B. Legislative framework

6 In the last 10 years a system of laws and regulations was worked out in the Republic of Moldova which provides for the exercise of the ethnic minorities' rights

(a) On 31 August 1989 the Law on the Functioning of the Languages Spoken on the Territory of the Moldovan SSR came into force. Article 4 of the Law "provides for the use of the Ukrainian, Russian, Bulgarian, Hebrew, Yiddish, and Gypsy languages, [and] of the languages of other ethnic groups inhabiting the country, with a view to meeting their national and cultural needs".

(b) Law on the Special Legal Status of Gagauzia (Gagauz-Yeri) was adopted by the Parliament of the Republic of Moldova on 23 December 1994.

(c) Law on the Modification of the Law on Territorial-Administrative Organization of the Republic of Moldova, adopted by the Moldovan Parliament on 19 February 1999.

(d) Law on Foundations No. 581-XIV of 30 July 1999.

(e) In January 1995 the Law on the Press was promulgated (Monitorul Oficial No. 2 of 12 January 1995), which proclaims the freedom of expression and prohibits incitement to national or religious enmity (art. 4).

(f) In December 1994 the Law on Libraries was promulgated (Monitorul Oficial No. 2 of 12 January 1995). On the basis of this law a Special Council, authorized to exercise control over the pursuance of the overall national policy in the field of libraries was founded (art. 16). At present, in conformity with this law, six libraries are functioning in the ethnic minorities' languages.

(g) The interests of the minority population are also protected by the Laws on Public Education and on Audio-Visual Broadcasting.

7 The President of the Republic of Moldova issued a series of decrees and decisions to ensure the functioning and development of the ethnic minorities' languages.

(a) Decision of the Government of the Republic of Moldova of 9 July 1991 "On measures to further develop the Russian national culture in the country".

(b) Decree of the President of the Republic of Moldova "On measures to ensure the development of the Jewish national culture and to meet the social needs of the Jewish population in the Republic of Moldova", issued on 12 August 1991 and followed by the Decision of the Government of 9 December 1991 on the implementation of the Decree of 12 August 1991.

(c) Decree of the President of the Republic of Moldova "On measures to develop the Bulgarian national culture", issued on 30 March 1992 and followed by the Government's Decision of 23 April 1992.

(d) Decision on the creation of Taraclia Judet, mostly populated by Bulgarians (over 60 per cent) was passed by the Parliament on 22 October 1999.

C. Government strategies

8. State authorities of the Republic of Moldova have not been involved in the actions of racial discrimination since such actions, in general, have not taken place on the territory controlled by Moldovan authorities.

9. In the course of the transition period the respect for human rights became of paramount importance for the whole society in the Republic of Moldova, which is a multi-ethnic State inhabited by a large number of ethnic groups. The largest ones, in size order, are Ukrainians, Russians, Gagauzi, Bulgarians, Jews and Gypsies.

10. The realization of a new concept of the fundamental rights and freedoms of people, the harmonization of the domestic legislation with the international human rights principles, the creation of new structures like NGOs that play an increasingly important role in the country, and the elaboration of a new approach towards ethnic groups, private property and religious groups led to the implementation of a series of institutional and legislative measures concerning reform of the roles and functions of the State, as well as modification of obsolete laws and regulations that could provoke discriminatory actions and tensions in public life, and particularly in interethnic relations.

11. Even before the adoption of the Constitution, the Government's strategies were substantially modified through the adoption of the Declaration of Independence, preceded by the Decision of the Supreme Soviet of the Moldovan SSR of 14 November 1990 "On immediate measures to reach civil conciliation in the Moldovan SSR", and followed two days later by the Government's decision on the creation of the Department for National Issues (16 November 1990).

12. Judicial reform was carried out in 1996. A year earlier, on 25 February 1995, the Constitutional Court was established, a single independent judicial institution from any public authority.

13. As a result of ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Government of the Republic of Moldova worked out a programme concerning the amendment of 22 laws, including the Constitution, in order to bring them into compliance with international laws and regulations. The programme provided for the change of articles 24, 25, 30, 32, 54 and 55 of the Constitution with a view to making amendments and excluding any arbitrary interpretation of human rights and any possibility of discrimination. At present the adaptation of the Penal Code and the Code on Penal Procedure, the Civil Code and the Code on Civil Procedure, the Family Code, the Labour Code, the Law on Migrations, etc. is being carried out in accordance with th provisions of the ECHR.

14 In the course of this reform, in 1995 capital punishment was abolished In 1997 the Law on Public Associations was promulgated In conformity with international standards, the Law on the Press was amended, as was the Law on Audio-Visual Broadcasting A new Law on Education, a Law on Culture and other laws were adopted

15 On 4 and 5 May 1999 a conference entitled "The Unity of the Moldovan People and Issues of Ethnic Identity" was held in Chisinau The conference was organized by the Government of the Republic of Moldova in cooperation with civil society institutions and was dedicated to the fiftieth anniversary of the Council of Europe The issue of civil solidarity in a multi-ethnic society as a consolidating factor in a democratic State governed by the rule of law was the subject of discussion at the conference Participants valued highly the attachment of the Republic of Moldova to the principles and rules defined on the Council's basic documents

16 At present, State policy pursues the following objectives

(a) Support of the integration processes in the society, including involving in wide discussions representatives of the ethnic-social groups of the country,

(b) No artificial change of the ethnic-demographic environment in the newly created territorial-administrative units,

(c) Working out and promoting on the level of central and local public authorities mechanisms of interethnic conflict prevention,

(d) Elaboration of a programme of teaching the official language of the Republic of Moldova as the second language, with a view to ensuring the integration of people into the political, social and cultural life of the country

17 The objectives in the informational and cultural spheres are

(a) Education of citizens in a spirit of the principles of cultural pluralism and constitutional patriotism, of tolerance and respect for the cultural values of each ethnic group and of the common historic heritage,

(b) Use of the media as an instrument of the exchange of cultural values among ethnic communities in the Republic of Moldova, giving special attention to the improvement of the quality of TV and radio programmes broadcast in the languages of ethnic minorities,

(c) Preservation of the spiritual heritage of all nationalities of the Republic of Moldova, contributing at the same time to the integration process of our country in the European community,

(d) Creation of adequate conditions for the full functioning of the official language, as well as for the protection of other languages spoken on the territory of the country

18 The objectives in the social-economic sphere are

(a) Insurance of equal levels of social-economic development of the north, centre and south of the country, thus contributing to the harmonization of interethnic relations in Moldova,

(b) Rational use of the country's economic potential, including its natural resources, qualified specialists, professional competence and labour force, taking into account the multi-ethnic composition of the population, and at the same time the requirements of the ethnic minorities' historic motherlands,

(c) Coordination of the policy in the area of interethnic relations with the priorities of economic reform, as well as with the perspectives and programmes of the country's social-economic development,

(d) Strict implementation of the measures stipulated in the State programme for the protection of the rights of the child, approved by Government Decision No. 679 of 6 October 1995 and consistent with the Convention on the Rights of the Child

1. Dynamics and processes

19 Representatives of a large number of ethnic minorities inhabit the Republic of Moldova today. Moldovans constituting 64.5 per cent of the population are followed by Ukrainians (13.8 per cent), Russians (13 per cent), Gagauzi (3.5 per cent), Bulgarians (2 per cent), Jews (1.5 per cent), Belorussians (0.5 per cent), Gypsies (0.3 per cent), Germans (0.2 per cent) and Poles (0.1 per cent), representatives of other ethnic groups together form 0.6 per cent. According to 1989 statistics, ethnic minorities represent 35.5 per cent of the total population. After independence on 27 August 1991, many Moldovans formerly residing in the ex-Soviet republics returned to their motherland while a considerable number of people originating from those republics and settled in Moldova went back to their countries of origin, now independent States. This demographic change was a natural process that accompanied the creation of the new independent States in the ex-Soviet area. However, since no census was taken in the given period, no other more precise data are currently available.

20 Since the Constitution guarantees all persons inhabiting the Republic of Moldova the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity, the issue of national education is of special importance.

2. Education

21 According to the Law on Education, the State shall ensure that all people have the possibility to learn the official language, with a view to their integration into the society on the basis of the equality of rights exercised in the various fields of activity of the economic, political and cultural life, and that ethnic minorities have the opportunity to learn their native language, thus preserving their national spiritual values (for more comprehensive information, see section IV)

3. Cultural institutions of ethnic minorities

22 The system of cultural institutions of the ethnic minorities includes a network of libraries, museums, theatres, ethnic-folklore groups, etc

23 Realizing the important role of culture in the development of international understanding and tolerance of cultural diversity, the Moldovan Government approved the Law on Culture on 27 May 1999 (promulgated on 28 July 1999). In a number of its articles the law provides for an inalienable right of every person to cultural activities "without distinction as to national or social origin, language, sex, political or other opinion, religion, housing, personal property, education, occupation, and to other circumstances", the right to his/her cultural identity, and the freedom to create and associate with any international cultural organization, federation, branch or group of people

24 On the basis of the Law on Public Associations (in effect since 23 January 1997), to date 46 ethnic-cultural organizations have been officially registered by the Ministry of Justice These organizations have an impact on the social and cultural life of the country and contribute to the exercise of the rights of the people to preserve, develop and express their cultural, linguistic, religious and ethnic identity conferred by the Constitution

25 The process of cultural interconnection is very advanced in the Republic of Moldova, where over 600 musical and dance groups perform all over the country. At the same time, they are the promoters of the idea of "multiculturality", creating an important link between the spiritual rapprochement and enrichment of all the ethnic groups of the country (for more detailed information, see section IV)

4. Audio-visual broadcasting

26 Within the Teleradio-Moldova State company an Editorial Board was founded which broadcasts in ethnic minority languages (Ukrainian, Russian, Gagauz, Bulgarian, Jewish, Gypsy). The main goal was to reflect and propagate the State policy in the area of interethnic relations by broadcasting programmes in the languages of ethnic minorities and about them in the official language. Ensuring full access of ethnic minorities' representatives to information in their native languages, the Editorial Board operates in compliance with the provisions of the Constitution, fundamental human rights and the principles of Christian morals (for more comprehensive information, see section IV)

D. Department for National Relations and Languages

27 Although progress was achieved in the areas of education, culture and the media, these issues receive constant attention from the Department for National Relations and Languages The Regulations of the Department for National Relations and Languages stipulates that the Department shall cooperate with various institutions and organizations with a view to ensuring civic harmony all over the country, guaranteeing respect for human rights and freedoms, and securing the exercise of political, economic, social and cultural rights of the people without distinction as to their ethnic origin, race, language or religion

28 Bearing in mind these responsibilities, the Department has taken a series of actions to facilitate the process of integrating all people into the society, regardless of their national origin. Some of the activities are:

(a) An international conference on "Ethnic mobilization and interethnic integration: sources, factors, horizons", held on 21 September 1998 in Chisinau;

(b) A forum, "The unity of the Moldovan people and issues of ethnic identity", held on 4 and 5 May 1999;

(c) An international conference, "The Framework Convention for the Protection of Ethnic Minorities: implementation mechanisms", held from 9 to 11 November 1999. The Conference discussed the issues of the legal protection of ethnic minorities and the fight against manifestations of national discrimination. Along with specialists from the Republic of Moldova, international experts took part in the meetings organized on this occasion in Chisinau, Balti and Comrat;

(d) The need to work out a national strategy for the consolidation of a democratic State based on the rule of law constituted the main subject of discussion during another meeting of experts in the framework of a conference on "Integration processes in the Republic of Moldova: elaboration of the National strategy";

(e) The Department participated in the work of an international seminar initiated by the Organization for Security and Cooperation in Europe (OSCE) Mission in Moldova entitled "Language and education issues in the Republic of Moldova". This forum, held on 18 and 19 May 2001, was attended by Mr. Max van der Stoel, OSCE High Commissioner on National Minorities;

(f) Participation in the international conference "Stability Pact for South East Europe" (16-17 December 1999);

(g) The Department pays constant attention to the resolution of problems concerning the adjustment of ethnic minorities to the conditions in the Republic of Moldova and to the preservation and development of the multiculturality of the various ethnic groups represented among the citizens of the Republic of Moldova. For this purpose, the Department took part in a number of meetings, round tables and other activities dedicated to the history and language of the Ukrainians, Jews, Germans, Gypsies, etc.;

(h) Since 1993, on the initiative of the Department, "The Days of the Slavic Written Language and Culture in the Republic of Moldova" are organized every year, involving folklore and professional artistic groups representing various nationalities in the country;

(i) Since the inauguration of the Palace of Nationalities on 1 June 1996, multi-ethnic children's festivals are organized every year.

(j) Another event of international resonance was the international congress of the Jewish people originating from Moldova and residing beyond its borders, which was held in June 1999 in Chisinau.

(k) The first National Ethnic-Folklore Festival involving ethnic-cultural associations was organized on 4 July 2000.

(l) The Department published in the year 2000 the following books comprising materials of various conferences and seminars:

(i) Unity of the Moldovan People and Issues of Ethnic Minorities.

(ii) Framework Convention for the Protection of National Minorities. Mechanisms of Implementation.

(iii) Integration Processes in the Republic of Moldova. Elaboration of a National Strategy.

(iv) A number of instruction materials concerning the official language and the minority languages spoken on the territory of the country.

E. State Service on Religious Issues

29. The Service has the following tasks:

(a) Control over the application of the legislation in the area of religion.

(b) Registration and re-registration of religious communities.

(c) Settlement of conflicts between faiths, as well as internal conflicts.

(d) Creation of adequate conditions for the foundation and functioning of religious communities.

(e) Improvement of legislation in the field of religion.

(f) Elaboration of documents concerning the recognition by the Government of the statutes of religious communities.

(g) Receiving applications from individuals to address specific problems of religious communities, subsequently applying to the competent institutions with a view to settling the matters.

(h) Working out public programmes in cooperation with members of the clergy.

30 The State Service for Religious Issues is guided in its activities by the following legal documents

(a) Constitution of the Republic of Moldova,

(b) Decision of the Government No 995 of 28 October and No 1742 of 2 August on the allocation of land to the Condrita, Hincu and "St Dumitru" monasteries, as well as to the Catholic Church in the city of Balti,

(c) Government Decision No 302 of 14 April on the approval of the modifications and amendments to the Statute of the Inter-faith Society of Christian Doctors "Emanuil",

(d) Government Decision No 373 of 29 April on the creation of the Restoration Fund for the cathedral complex Nasterea Maicii Domnului (Birth of the Holy Virgin) in Chisinau,

(e) Government Decision No 627 of 5 July 1999 on the Statute of the Lutheran Evangelical Church of Moldova

31 At present, there are 7 officially registered faiths and 12 religious associations and communities on the territory of the Republic of Moldova The largest one is the Orthodox Church (1,017 communities as of 1 January 2000), followed by the Union of Baptist Evangelist Christian Churches (totalling 370 communities), the Union of Churches of Evangelical Christians (Pentecostal Creed) (194 communities), the Religious Organization of the Jehovah's Witnesses (163 communities), the Church (Conference Union) of the Seventh Day Adventists (120 communities) Other communities that are component parts of various faiths occupy a very insignificant place (between 1 and 8 groups) They include the Mozaica group, the Union of Communities of Molocani Spiritual Christians, the Krishna Conscience Society, the Baha'i, the Union of Communities of Messianic Jews, the Lutheran Evangelical Church, etc

II. PREVENTION OF DISCRIMINATORY PRACTICES

32 The protection of persons belonging to ethnic minorities does not differ in the Republic of Moldova from that offered to all citizens of the country, all of them enjoy and exercise equal rights and duties The principles of equality and non-discrimination run through the entire legislative and institutional spectrum of the country, while "the respect and protection of people is the foremost duty of the State" (article 16 (1) of the Constitution) The equality of all citizens of the Republic of Moldova before the law and public authorities, without distinction as to race, nationality, ethnic origin, language, religion, sex, political opinion, personal property or social origin is guaranteed by the Fundamental Law of the State (art 16 (2)) Guarantees of the equal exercise of human rights and fundamental freedoms enshrined in the Constitution are widely reflected in the domestic legislation

33 Before independence on 27 August 1991, the Moldovan SSR was a component part of the USSR and was not a subject of international law, its interests being represented by the Union's institutions After the dissolution of the USSR, the only direct successor to the

international commitments of the former Soviet Union is the Russian Federation. The Republic of Moldova has not proclaimed itself a successor to the USSR in the area of international relations. As a result, the Republic of Moldova did not have bilateral relations of any kind, including diplomatic ones, with the Republic of South Africa, nor with its apartheid regime.

III. POLITICAL, CIVIL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, THE RIGHT TO PERSONAL SECURITY AND NON-DISCRIMINATORY ACCESS TO PUBLIC SERVICES

34. The Penal Code of the Republic of Moldova adopted by the Law of 24 March 1961 in its section II, "Other offences against the State", article 71, "Encroachment upon national and racial equality" sets out:

> "In the cases of deliberate acts directed towards the incitement to national or racial enmity, to humiliation of the national honour and dignity, as well as to the direct or indirect infringement of rights, or to giving direct or indirect advantages to persons with regard to their race or nationality, -
>
> the court has the right to impose the deprivation of liberty for the term of up to three years or a fine in the amount of up to fifty minimum wages.
>
> "In cases of the same acts aggravated by violence, deception, or threats, as well as if committed by a higher official, -
>
> the court has the right to impose the deprivation of liberty for the term of up to five years or a fine in the amount of up to eighty minimum wages.
>
> "In cases when the acts specified in Section One or Two of the present article were committed by a group of persons or if [they] led to human losses or other grave consequences, -
>
> the deprivation of liberty is imposed for the term of up to ten years."

A. Right to equal treatment before the courts or any other organ of the administration of justice

35. According to article 16, paragraph 2, of the Constitution of the Republic of Moldova adopted on 29 July 1994, "All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property, or social origin."

36. Article 53 "Rights of persons aggrieved by public authority", provides:

> "(1) Any person whose rights have been trespassed upon in any way by public authority through an administrative ruling or lack of timely legal reply to an application, is entitled to obtain acknowledgement of those rights, the cancellation of the ruling and payment of damages.

"(2) The State is liable as foreseen by the law for any prejudice or injury caused in lawsuits through errors of the police or the judiciary."

37. Article 20, "Free access to justice", states:

"(1) Every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests.

"(2) No law may restrict the access to justice."

38. The Law on Judicial Organization No. 514-XIII of 6 July 1995 (Monitorul Oficial No. 58/641 of 19 October 1995) in its article 8, "Equality before the law" provides:

"All citizens of the Republic of Moldova are equal before the law and the judicial authority irrespective of race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, as well as of other circumstances."

39. In conformity with the Law on the Legal Status of Aliens and Stateless Persons in the Republic of Moldova No. 275-XIII of 10 November1994 (Monitorul Oficial No. 20/234 of 29 December 1994), "aliens and stateless persons are equal before the law and the public authorities, without distinction as to race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin" (art. 5, para. 3).

40. The Code on Civil Procedure of the Republic of Moldova in article 6, "Administration of justice on the basis of equality of persons before the law and the courts", states:

"Justice in civil matters is administered solely by the court on the basis of the principle of equality of persons before the law and the court, without distinction as to race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, as well as of other circumstances."

41. The Code on Penal Procedure, in article 8, "Administration of justice on the basis of equality of persons before the law and the courts", stipulates:

"In serving justice in criminal matters, all persons are equal before the law and the court, without distinction as to race, nationality, ethnic origin, language, religion, sex, opinion, political choice, personal property or social origin, field and type of activity, place of residence or citizenship, as well as other circumstances."

B. Right to personal security and the protection of the State against violence or abuse

42. Article 25 of the Constitution of the Republic of Moldova, "Individual freedom and personal security", provides:

"(1) Individual freedom and personal security are declared to be inviolable.

"(2) Searching, detaining in custody or arresting a person shall be permitted only if based on the authority of law.

"(3) The period of detention in custody may not exceed 24 hours.

"(4) Persons may be arrested only under warrant issued by a magistrate for a maximum time limit of 30 days. The arrested may contest the legality of the warrant and lay a complaint before a court judge who is bound to reply by way of a motivated decision. The time limit of detention may be extended to 6 months and in exceptional cases, if approved by decision of Parliament, to 12 months.

"(5) The person detained in custody or arrested shall be informed without delay of the reasons for his detention or arrest, as well as of the charges made against him/her, which may take place only in the presence of a lawyer, either chosen by the defendant or appointed ex officio.

"(6) If the reasons for detention in custody or arrest have ceased to exist, the release of the person concerned must follow without delay."

43 Article 6, "Liberty and security of person", of the Code on Penal Procedure provides:

"Liberty and security of person are inviolable.

"No one may be deprived of liberty except on the basis and pursuant to the procedure prescribed by law in the following cases:

"(1) a person is legally detained on the basis of the sentence passed by the court;

"(2) a person is legally arrested for the failure to complete the decision pronounced, pursuant to the law, by the court;

"(3) a person is legally detained or arrested before appearing before the court on the basis of good grounds and motives for being suspected in committing a criminal offence, or on the reasons to believe that it is necessary to impede him/her from the commission of a criminal offence, or from the escape after committing a criminal offence.

"A person detained or arrested has the right to know what he/she is suspected of or accused of before the application of any other procedural act. Failure to notify the person of his/her rights can serve as a basis for the contestation by the person of the lawfulness of the detention or arrest.

"A person detained or accused must be notified within three hours, in a language which he/she understands, of the reason for his/her detention or arrest and of the legal assessment of the offence of the commission of which the person is suspected or accused, the fact which is documented in the minutes of detention or in the arrest warrant.

"A person deprived of his/her liberty through arrest or holding in custody has the right to file appeals to the court with a view to be expeditiously ascertained of the lawfulness of the arrest or detention, to be released if wrongfully arrested or deprived of his/her liberty

"In the course of criminal procedure no one may be subjected to torture or an inhuman or degrading treatment

"Any person wrongfully arrested or detained contrary to the provisions of the present article has the right to compensation of the caused damage pursuant to the procedure prescribed by law."

44 The Law on Pre-Trial Detention No 1226-XIII of 27 June 1997 (Monitorul Oficial No 69-70/579 of 23 October 1997), in article 11, "Legal status of persons detained in custody" provides

"(1) Persons detained in custody shall enjoy the rights and freedoms and perform duties established by the legislation of the Republic of Moldova

"(2) Legal status of aliens and stateless persons held in custody is determined by the law of the Republic of Moldova which provides for the rights and duties of persons detained on the territory of the Republic of Moldova

"(3) Holding of persons in custody is carried out in pursuance of the principle of respect to the Constitution of the Republic of Moldova, to the provisions of the Universal Declaration of Human Rights, to other laws and international standards concerning the treatment of the detainees, and shall not allow premeditated actions which bring physical and moral sufferings or humiliate the dignity of persons

"(4) It is forbidden to discriminate or offer privileges to detainees with regard to their race, sex, nationality, language, ethnic origin, personal property, religion, political choice, affiliation to public associations, previous merits, and other circumstances."

45 Article 38 of the Penal Code of the Republic of Moldova, "Circumstances which increase responsibility", stipulates

"In setting punishment, the following are to be recognized as circumstances which increase responsibility:

"(1) the commission of a crime by a person who has previously committed some crime, the court has the power, depending upon the nature of the earlier offence, to decline to recognize the significance of the previous offence a circumstance which increases responsibility;

"(2) the commission of a crime by an organized group,

"(3) the commission of a crime out of mercenary or other ignoble motives,"

"(3/1) the commission of a crime on grounds of national or racial hostility or prejudice,*

"(4) causing of grave consequences by a crime,

"(5) the commission of a crime against a child, an aged person or a person in a helpless condition,

"(6) the commission of a crime against a person who is engaged in protecting public order,

"(7) incitement of minors to commit a crime or the recruiting of minors to participate in a crime,

"(8) the commission of a crime with special cruelty against or mockery of the victims,

"(9) the commission of a crime making use of the conditions of a public calamity,

"(10) the commission of a crime by a socially dangerous method,

"(11) the commission of a crime making use of the material, official or some other form of dependence of another person,

"(12) the commission of a crime by a person in a state of intoxication, the court has the power, depending upon the nature of a crime to ignore this circumstance as a factor which increases responsibility,

"(13) the commission of a new crime by a person on bail during the bail period or within one year after the expiration of the bail period."

46 Article 6, "Right of the person to inviolability and to protection against physical and mental violence", of the Law on the Rights of the Child No. 338-XIV of 15 December 1994 stipulates:

"The State ensures the inviolability of the child by protecting him from any exploitation, discrimination, physical or mental violence, providing for the inadmissibility of a cruel, rude, contemptuous treatment, abuses and maltreatment, of being involved in criminal acts, of being induced in the use of alcoholic beverages, the illicit use of narcotic drugs and psychotropic substances, in practicing games for luck, beggary, preventing the inducement or coercion of the child to engage in any unlawful

* Article 38, paragraph 3/1, was introduced by the Law of 5 June 1990.

sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, in pornographic performances and materials on the part of the child's parents, legal guardians, relatives."

C. Political rights, and the right to equal access to the public service

47. The Constitution of the Republic of Moldova in article 38, "The right to vote and be elected", establishes:

"(1) The foundation of State power is the will of the people made known through free elections held at regular intervals and based on universal, equal, direct, and free suffrage.

"(2) Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote.

"(3) The right to be elected is granted to all citizens of the Republic of Moldova enjoying the right to vote."

48. The Election Code of the Republic of Moldova, adopted by Law No. 1381-XIII of 21 November 1997 (Monitorul Oficial No. 81/667 of 8 December 1997), provides: "The citizens of the Republic of Moldova have the right to elect and be elected irrespective of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, property or social origin" (art. 3).

49. Article 39, on participation in public affairs of the Constitution of the Republic of Moldova states:

"(1) The citizens of the Republic of Moldova have the right to participate in the administration of public affairs, either directly or through their representatives.

"(2) The access to a public office or position is guaranteed by law to all citizens of the Republic of Moldova."

50. Article 13, "The right to be engaged in public service", of the "Law on Public Service" No. 443-XIII of 4 May 1995 (Monitorul Oficial No. 61/681 of 2 November 1995) indicates:

"(1) The right to be engaged in the public service is enjoyed by citizens of the Republic of Moldova without distinction as to race, nationality, gender or religion, who reside permanently in the country, have the appropriate studies, are deemed, according to his/her medical record to be apt to hold the position, and are not subject to the restrictions set out in article 11.

"(2) A person applying for a position in the public service shall speak the Moldovan language within the limits prescribed by the Law on Languages Functioning on the Territory of the Republic of Moldova."

D. Civil and political rights

51 Article 27 of the Constitution of the Republic of Moldova stipulates

"(1) The right to move freely within the boundaries of one's native country guaranteed

"(2) Every citizen of the Republic of Moldova is guaranteed the right to choose his place of residence anywhere within the national territory, to travel in and out of the country, also to emigrate at will"

52 "All meetings, demonstrations, rallies, processions or any other assemblies are free, and they may be organized and take place only peacefully and without the use of weapons" (art 40)

53 "All citizens are free to associate in parties and other social and political associations These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electing process

"All parties and other social-political organizations are equal before the law

"Secret associations are forbidden

"The activity of parties consisting of foreign nationals is forbidden" (art 41)

54 By article 28 of the Constitution the State respects and protects private and family life Article 48 establishes

"(1) The family is the natural and fundamental constituent of society, and as such has the right to be protected by the State and by society

"(2) The family is founded on the freely consented marriage of husband and wife, on the spouses' equality of rights and on the duty of parents to ensure their children's upbringing and education

"(3) The law shall establish under which conditions a marriage may be concluded, terminated or annulled

"(4) Children have a duty to look after their parents and help them in need"

55 The Marriage and Family Code of the Republic of Moldova in its article 4, "Equality of rights among members of a family", establishes

"All citizens enjoy equal rights within their own families

"Any direct or indirect restriction of rights is forbidden, as well as the establishment of any direct or indirect advantages at the conclusion of marriage and in the family relations with regard to the origin, personal property, race, nationality, sex, education, language, religion, field and type of activity, place of residence and other circumstances of family members."

56. Article 46 of the Constitution of the Republic of Moldova, "The right to private property and its protection" provides:

"(1) The right to own private property and the debts incurred by the State are guaranteed.

"(2) No [property] may be expropriated except for reasons dictated by public necessity, as established by law and against just and appropriate compensation made in advance.

"(3) No assets legally acquired may be confiscated. The effective presumption is that of legal acquirement.

"(4) Goods destined for, used or resulted from crimes or offences may be confiscated only as established by law.

"(5) The right of private property carries with it the duty to observe the rules regarding the protection of the environment, the maintenance of good-neighbourly relations and the observance of all the other duties that have to be fulfilled by owners of private property under the law.

"(6) The right to inherit private property is guaranteed."

57. The Law on Property No. 459-XII of 22 January 1991 (Monitorul Parlamentului No. 3-4-5-6/22 of 30 June 1991) in article 1, "The right to private property in the Republic of Moldova", sets forth:

"The right to own property in the Republic of Moldova is recognized and guaranteed by law.

"The owner enjoys the right to own property, to use and administer it. Possession of private property implies its effective ownership, the use of private property means making use of the useful qualities of private property, and its administration implies the determination of the private property's destiny.

"The owner has the right to exercise any action towards his private property that does not contravene the law and does not cause damage to human health and the environment."

58 Article 31 of the Constitution, "Freedom of conscience" provides

"(1) The freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect

"(2) The freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes under the rule of law

"(3) In their mutual relationships religious creeds are forbidden to use, express or incite to hatred or enmity

"(4) Religious creeds are autonomous vis-à-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, hospitals, prisons, homes for the elderly and orphanages."

59 Article 32 of the Constitution, "Freedom of opinion and expression", stipulates

"(1) All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible

"(2) The freedom of expression may not harm the honour, dignity or the rights of other people to have and express their own opinions or judgements

"(3) The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the instigation to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order."

60 The Law on Advertising No. 1227-XIII of 27 June 1997 (Monitorul Oficial No. 67-68/555 of 16 October 1997) in article 11, "Amoral advertisement" mentions

"(1) Advertisement is regarded amoral if

"(a) it infringes upon the universally accepted values of humanism and morale by way of offences, defamatory comparisons and images as to race, nationality, occupation, social origin, age, sex, language, religious, philosophical, political or other opinion of natural persons,

"(b) it defames works of art that create the legacy of the universal and national culture,

"(c) it discredits the national symbols (flag, coat of arms, anthem), the religious symbols, the national currency of the Republic of Moldova and of other States.

"(2) Amoral advertisement is forbidden."

61. The Law on Public Associations No. 837-XIII of 17 May 1996 (Monitorul Oficial No. 6/54 of 23 January 1997) in its article 4 provides for the restrictions on the foundation and activity of public associations:

"(1) It is not allowed to found public associations whose goal or method of activity is a violent change of constitutional system, violation of territorial integrity of the Republic of Moldova, propaganda of war, violence and cruelty, stirring up social, racial, national and religious differences, accomplishment of other punishable acts. Provision in the statute of a public association of clauses concerning defense of the principles of social equity should not be viewed as an incitement of social hatred.

"(2) It is prohibited to organize public paramilitary associations and armed formations.

"(3) The foundation and activity of public associations infringing upon common human values, health and social morals, upon the rights and legitimate interests of people are forbidden.

"(4) Civil servants whose duties include registration and control over the activity of public associations cannot be founders of the latter. Founders of public associations and members of their administration, executive and inspection bodies may not be members of the Government and public employees whose duties include the promotion of State policy in the priority fields, pursuant to their statutes, for these public associations."

62. The Law on Public Associations No. 837-XIII of 17 May 1996 (Monitorul Oficial No. 6/54 of 23 January 1997) in its article 40, "Termination of the activity of a public association", provides:

"(1) A public association is liquidated upon the decision of the congress (conference) or general assembly of its members (participants), or upon the court's decision.

"(2) Assets remaining after the liquidation of a public association and the payment of the arrears to its creditors are used for the realization of the statutory objectives and obligations, while in case of the absence of appropriate chapters in the statute, are used for the realization of the objectives and obligations set out by the decision of liquidation adopted by the congress (conference) or general assembly of the members (participants) of a public association or by the decision of the court.

"(3) On the liquidation of a public association, if the congress (conference) or the general assembly of its members (participants) have not decided upon the use of the remaining assets, after the payment of the arrears to its creditors, by the decision of the administration of a public association these assets are directed towards the realization of the statutory objectives and obligations of the liquidated public association.

"(4) A public association may be liquidated by the decision of the court in the following cases:

"(a) organization and/or carrying out actions aimed at the violation of the territorial integrity of the Republic of Moldova;

"(b) organization and/or carrying out actions aimed at overthrowing legally established public authorities;

"(c) incitement of social, racial, national and religious hatred and enmity;

"(d) violation of the legitimate human rights and freedoms;

"(e) creation of paramilitary formations;

"(f) repeated notification of a public association on the necessity of terminating its activity of breaching the law made in the course of one year by the organ which registered the association.

"(5) Assets of the public association liquidated by the decision of the court, which remained after the payment of the arrears to its creditors, may be transferred free to the State property."

63. The Law on the Organization and Holding of Meetings No. 560-XII of 21 July 1995 (Monitorul Oficial No. 61/683 of 2 November 1995) in its article 7, "Suspension of meetings", applies to meetings where actions inciting to discrimination, territorial separatism, public violence, or other actions threatening constitutional order were noted.

64. The Law on Worship No. 979-XII of 24 March 1992 (Monitorul Oficial No. 3/70 of 30 March 1992) in article 1, "Freedom of Conscience" stipulates:

"Every person has the right to freedom of thought, conscience and religion. This right shall be exercised in a spirit of tolerance and mutual respect. It implies the freedom to change one's religion or belief, to profess religion or belief either alone or in community with others, and in public or private, to manifest his/her religion or belief in teaching, practice, worship or observance.

"The exercise of the right to freedom of religion or belief may be restricted in conditions prescribed by law and only in cases when the latter include actions which in a democratic society are necessary for guaranteeing public security, the maintenance of public order, health or morals protection, or for the safeguarding of the rights and liberties of other people."

65. Article 33, "Freedom of assembly", of the same law stipulates:

"Religious actions and ceremonies are held freely.

"Public authorities create appropriate conditions for offering religious assistance in the army, hospitals, penitentiary institutions, asylums and orphanages."

66. The organization of parties on the basis of religious criteria is forbidden (article 20 of the Law on Worship).

E. Economic, social and cultural rights

67. Article 43 of the Constitution of the Republic of Moldova confers "The right to work and of access to work" as follows:

"(1) Every person has the right to work, to freely choose his/her occupation, to enjoy safe and healthy working conditions, as well as to be protected against unemployment.

"(2) All workers have the right to protection against the physical and moral hazards to which they are exposed. Protection measures shall bear upon work security and hygiene, working conditions for women and young people, the establishment of a minimum wage across the national economy, the weekly rest period, the annual holiday with pay, hard working conditions, as well as other specific situations.

"(3) The length of the working week shall not exceed 40 hours.

"(4) The right to bargain collectively is guaranteed, and so is the legal enforceability of collective agreements."

68. Article 44 of the Constitution provides:

"(1) Forced labour is prohibited.

"(2) The following shall not be regarded as forced labour:

"(a) military duty or the activities designed to replace it, carried out by those, pursuant to the law, who are exempted from compulsory military service;

"(b) work fulfilled by a convicted person under normal conditions in the course of being held in custody or on conditional release."

69. Article 47 ensures "The right to social assistance and protection" as follows:

"(1) The State is obliged to take actions aimed at ensuring that every person has a decent standard of living, whereby good health and welfare for himself and his family, the provision of adequate food, clothing, housing, medical care, as well as other social services.

"(2) All citizens have the right to be insured in the following cases: unemployment, illness, disability, widowhood, old age or other situations caused by the loss of the means of subsistence resulting from the circumstances beyond one's control."

70. The Labour Code of the Republic of Moldova provides for the fundamental rights and duties of workers as follows:

"In conformity with the Constitution of the Republic of Moldova every person has the right to work freely chosen or accepted by him, the right to choose an occupation suited to his personal aptitude for work, as well as the right to protection against unemployment.

"Forced labour is forbidden.

"Every worker has the right:

"(1) to safe and healthy working conditions;

"(2) to be redeemed for the prejudice caused by the damage arising out of, linked with or occurred in the course of work;

"(3) to equal pay for work of equal value without discrimination and not less than the amount prescribed by law;

"(4) to rest provided by fixing the maximum length of the working day, to limited working hours for certain occupations and nature of work, to a weekly rest period, to paid public holidays and annual holiday;

"(5) to freedom of association and joining trade unions;

"(6) to social protection for the age limit to work, in cases of the loss of work capacity and other cases prescribed by law;

"(7) to legal protection of the right to work;

"Worker's duties:

"(1) to carry out conscientiously one's obligations of work;

"(2) to respect the work discipline;

"(3) to preserve the assets of the enterprise, institution or organization where employed,

"(4) to fulfil the established work norms and regulations."

71 Article 17 of the Code includes guarantees for being hired at work:

"Groundless refusal to hire at work is prohibited.

"Any direct or indirect restriction of rights or the offering of certain direct or indirect advantages for being hired at work on the grounds of sex, race, nationality, language, social origin, property, housing, religion, beliefs, membership in public association, as well as on the grounds of other circumstances which are not related to the worker's aptitude for work are inadmissible.

"Differentiation, exceptions, preferences or restrictions at hiring at work determined by a specific nature of the given activity or conditioned by a special care of the State regarding persons who have to get an increased level of social and legal protection are not viewed as discriminatory."

72 The Law on Wages No. 1305-XII of 25 February 1993 (Monitorul Parlamentului No. 3/56 of 30 March 1993) mentions that on fixing wages, discrimination on the grounds of age, sex, race, nationality, political choice, beliefs and property is not allowed.

73 Article 42 of the Constitution of the Republic of Moldova confers the right to found and join trade unions:

"(1) Every worker has the right to found and associate in trade unions for the protection of his interests."

"(2) Trade unions are established and carry out their activities consistent with their statutes, prescribed by law. They contribute to the protection of the workers' professional, economic and social interests."

74 Article 10 of the Code on Housing provides for the rights of people to housing:

"Citizens of the Republic of Moldova have the right to get in the established manner housing facilities from the public or State housing resources, or from the houses built by cooperative societies.

"Housing facilities from the public or State housing resources, or from the houses built by cooperative societies are offered for use to people for an unlimited period.

"People have the right to own a house for living in (or a part of a house) in conformity with the national law of the Republic of Moldova.

"No one may be moved from his housing facilities except for the grounds and in the manner prescribed by law.

"It is forbidden to exercise the right to use housing facilities for the purposes other than of their destination or by violating the rights of other people or of State or public organizations."

75. The Law on Health Care No. 411-XIII of 28 March 1995 (Monitorul Oficial No. 34/373 of 22 June 1995) in its article 17, "The right to protection of health", stipulates:

"(1) The inhabitants of the Republic of Moldova enjoy the right to protection of health without distinction as to nationality, race, social status and religion. This right is ensured through the preservation of the genetic reserve of the country, by creating decent working conditions and of living, by guaranteeing a qualified medical assistance offered in conformity with the exigencies of modern healthcare system and by redeeming damage caused to one's health.

"(2) Preservation of the genetic reserve of the country is guaranteed by a complex of measures called to ensure the highest possible standard of health of the population which include prevention of diseases, the development of the economic, social and cultural potential of the country, the salubrity of the environment. To this end, fundamental research in the field of the genetic reserve status depending on the ecological situation is carried out on the interdepartmental level, disease prevention and treatment measures are applied to people with congenital anomalies and pathologies, prognosis is made with regard to the tendencies of change in the genetic type of people."

76. The Law on Education No. 547-XIII of 21 July 1995 (Monitorul Oficial No. 62-63/692 of 9 November 1995) in its article 4 provides for the "Principles of education" as follows:

"(1) Education is, from a conceptual viewpoint, an integrated system that includes a diversity of educational structures, forms, contents and methods.

"(2) Educational policy of the State is built on the principles of humanization, accessibility, adaptability, creativity and diversity. Educational process is democratic and humane, open and flexible, formative and developing, and is based on the universal and national values.

"(3) State school education is secular and rejects discrimination on the grounds of party or ideological choice, race and nationality."*

---

* Article 4, paragraph 3, amended by Law No. 844-XIV of 25 February 2000.

"(4) Moral and spiritual education in State primary school is a compulsory subject, while in secondary and high school it is an optional subject. Properly trained persons teach this subject. The elaboration of the education concept, curriculum programmes and teaching staff training for teaching the subject 'Moral and Spiritual Education' is the responsibility of the Ministry of Education and Science.

"(5) State school education is free."

77. Article 6, "Right to education", of the above-mentioned law stipulates:

"(1) The right to education is guaranteed without distinction as to nationality, sex, age, social origin and status, political and religious choice, criminal record.

"(2) The State ensures equal chances to access to State lyceum (secondary), vocational and higher schools on the basis of the student's abilities and capabilities to study."

78. The Law on Culture No. 413-XIV of 27 May 1999 (Monitorul Oficial No. 83-86/401 of 5 August 1999) in article 11, "The right to cultural activity":

"(1) Cultural activity is an inalienable right of everyone irrespective of his nationality, social origin, language, sex, political or religious beliefs, or of other nature, housing, property, education, occupation and of other circumstances.

"(2) Human rights in the field of cultural activity are priority rights and they may not be restricted by State or non-State institutions."

79. Article 12, "The right to creative activity", of the above-mentioned law provides:

"(1) Any person has the right to creative activity according to his interests and capabilities.

"(2) The right to creative activity may be exercised either on the professional or non-professional basis.

"(3) Creative people, both professionals and amateurs, are equal with regard to the copyright and the related rights, including the right to intellectual property, the right to freely dispose of the results of one's work, the right to get assistance from the State."

80. Article 13, "The Right to cultural identity", of the law states:

"Every person enjoys the right to State protection of his cultural identity."

F. Right to have access to all public places and services

81. The Constitution of the Republic of Moldova confers the right to freedom of movement (art. 27, para. (1)). Article 50, paragraph (5), provides that public authorities ensure adequate conditions for the free participation of young people in the social, economic, cultural and sports life of the country.

82. The Law on Culture No. 413-XIV of 27 May 1999 (Monitorul Oficial No. 83-86/401 of 5 August 1999) in its article 8 stipulates:

"(1) The State ensures free access to cultural activity, cultural heritage.

"(2) To this end, the State

(a) provides for the financing from the budget and the development of the logistics of the national cultural institutions;

(b) stimulates the creation and the activity of the State and non-State institutions, including private ones;

(c) ensures adequate conditions for the aesthetic and arts education."

83. The State provides equal opportunities and conditions for all children with a view to learning cultural values, supports the establishment of various State and public institutions which contribute to the development of the creative abilities of children, ensures their access to these institutions, supports pursuant to the national law the publication of newspapers, magazines and books for children, films shooting, radio and TV broadcasting for children (Law on the Rights of the Child No. 338-XIV of 15 December 1994).

84. Article 21, paragraph 1 (f), of the Law on Tourism No. 789-XIV of 11 February 2000 (Monitorul Oficial No. 54-56/357 of 12 May 2000) provides that "on transiting or during a short stay tourists enjoy the right to freely access the sights and objects of tourist interest, the visiting and the use of which are not legally restricted".

85. With a view to supporting talented young people, the State facilitates non-discriminatory access by the young people to concert and exhibition halls, workshops, art and innovation studios and laboratories in accordance with the effective laws (Law on Youth No. 279-XIV of 11 February 1999, Monitorul Oficial No. 39-41/169 of 24 April 1999).

IV. EDUCATION AND TRAINING, CULTURE, INFORMATION

A. Education

86. Provisions of the Constitution of the Republic of Moldova are based on the principle that "the Republic of Moldova is the common and indivisible motherland for all her citizens" (art. 10 (1)). This provision, followed by the statement that "the State recognizes and guarantees the right of all people to preserve, develop and express their ethnic, cultural, linguistic and

religious identity" (art. 10 (2)), is an important factor which determines both tendencies of the development and education of the entire society - ethnic identity, and insuring, on the basis of the development of ethnic identity, the unity of the Moldovan people.

87. These ideas constituted the grounds for the State policy designed to encourage better knowledge of the culture, history, language and religion of ethnic minorities and of the major ethnic groups in the country. They were the basis for the Programme of Activities of the Government of the Republic of Moldova for the period 1999-2002, entitled "Supremacy of Law, Economic Recovery and European Integration". The Ministry of Culture and the Ministry of Education and Science defined the priority directions of the activities to promote culture, science and educational reform as follows:

> "I. The priority objectives of education in the Republic of Moldova set out in the Law on Education No. 547 of 21.07.1995 are as follows:
>
> "(a) developing respect for human rights and freedoms regardless of ethnicity;
>
> "(b) preparing a child to assume the responsibilities of life within a free society in a spirit of friendship among peoples and ethnic, national and religious groups;
>
> "(c) education in respect for the identity, language and cultural values of a people, as well as for the national values of the country in which he lives."

88. The Law on Education and the Law on Languages Used in the Territory of the Republic of Moldova stipulate an essential principle - the State ensures the right to choose the language of education and training at all levels and stages of education, pointing to the priority of monolingualism as a form of organization of the educational process. Pursuant to these provisions, ethnic minorities can have schools where training is conducted in their native language. Bearing in mind that the educational process conducted in the native language is the main element for the preservation and development of the linguistic and cultural identity of any ethnic minority, the State guarantees free education and its accessibility through a large network of primary and secondary schools, lyceums, gymnasiums and high schools.

89. Article 18 of the Law on Languages Used in the Territory of the Republic of Moldova stipulates the creation of adequate conditions for the exercise of the rights of peoples of other nationalities to education and training in their native languages, such as Gagauz, Ukrainian, Russian, Bulgarian, Hebrew and Yiddish.

90. According to the new Law on Education, the State ensures appropriate conditions for both learning the official language of the country by all its citizens with a view to facilitating their integration, on an equal footing, in the various fields of activity of the economic, political and cultural life of the country, and for ensuring that ethnic minorities have the opportunity to learn their native languages in order to preserve their national spiritual values.

91. The realization of the need to learn and know the official language is growing in the society. If by 1990 some Moldovans were attending schools where the language of instruction was Russian, at present a large number of Russian children, at the wish of their parents, prefer to

attend schools with subjects taught in Moldovan. As a result, the number of schools with instruction in Russian decreased. The phenomenon is also explained by the fact that in recent years the number of schools with Ukrainian, Gagauz and Bulgarian as their language of instruction increased at the expense of Russian schools.

The following data show this:

School year 1990/91 (except for the eastern region)

Moldovan schools	999	(65.5%) of total number of students	389 820 students
Russian schools	353	(26.4%) of total number of students	188 061 students
Mixed schools	116	(8.1%) of total number of students	77 047 students

School year 1997/98

Moldovan schools	1 005	(73.0%) of total number of students	459 727 students
Russian schools	257	(18.0%) of total number of students	121 218 students
Mixed schools	125	(9.0%) of total number of students	58 891 students

92. At present, the draft of the Concept of Education in the Republic of Moldova is in the final stage of elaboration. This draft includes a general approach to the issue of education in its entirety, while separate attention is given to its various aspects. On the basis of the new concept we can project a personality model of a democratic society. Its features include the ability to defend its social, professional, social-cultural and ethnic interests.

93. Education is based on the following principles: the unity of social life and education, the unity of the generally accepted human values and the national values, and of ethnic-cultural and multicultural education. The generally accepted human values have emerged as a result of the activities conducted in the sphere of human life and existence. The generally accepted human values are manifested through the characteristics of an individual, and include tolerance of cultural and religious diversity.

94. According to the draft of the Concept of Education, the objectives of the system of education include the following:

> "I. fostering respect for the rights and freedoms of people regardless of their ethnic origin;
>
> "II. preparing the child to take the responsibilities of living in a free society, in a spirit of understanding, peace, equality of the sexes and friendship among peoples and ethnic, national and religious groups."

95. In order to form and develop his/her personality an individual needs a favourable environment, in particular the community environment. An ethnic community through its specific customs and traditions and through its cultural values plays a significant role in the

development of the personality of the individual, in ensuring the continuity of his/her identity Belonging to an ethnic community is a positive factor for the consolidation of the individual's prestige, both in the ethnic and the national communities

96 As a strategy in the realization of the Concept of Education is the elaboration of the programme "Insuring the interethnic and intercultural co-existence in the Republic of Moldova"

97 The basic curriculum has been elaborated on the basis of the provisions of the Law on Education, the Concept of Education in the Republic of Moldova, as well as on the current tendencies in curriculum development worldwide The implementation of the curriculum reform will provide impetus to a large number of objectives entrusted to education by the society This reform is intended to meet the exigencies of the free and full development of the human personality

98 Curriculum reform in the Republic of Moldova is dictated by a coherent set of objectives

"A major educational goal of school is the free, harmonious development of the person and the formation of a creative personality that can adapt to the conditions of a continuously changing of life

"Education pursues the following objectives

"III fostering respect for the rights and freedoms of persons irrespective of their ethnic and social origin and religion - the principles enshrined in the United Nations Charter,

"IV preparation of the child for taking the responsibilities of living in a free society, in a spirit of understanding, peace, tolerance, equality of sexes and cooperation among peoples and ethnic, national and religious groups,

"V formation of the capacities of tolerance and of settling conflicts,

"VI respect for the human, social, cultural, moral and national values,

"VII acceptance of the democratic values of tolerance and of an intercultural dialogue,

"VIII familiarization with the values of national and universal literature,

"IX knowledge of human rights and of the principle of equality between nationalities,

"X respect for the values and tolerance of each race, nationality, religion and way of life through fostering an interest in the quality of social life, cooperation and equity;

"XI extending ethnic-linguistic and cultural boundaries in the creation of new values as a member of a larger community,

"XII fostering national-cultural identity, an interest in and tolerance of the values of the literature of other peoples,

"XIII cooperation and collaboration with different people without distinction as to their nationality, race, sex, religion,

"XIV contribution to a mutual understanding on the international and community levels."

99. There is no law in the Republic of Moldova which would encourage the forced assimilation of persons belonging to an ethnic minority. The process of integration of minorities into the majority population of the country, pursuant to the linguistic legislation in force, provides for learning, on a voluntary basis, the official language of the State. A characteristic feature of the integration process is that it seeks primarily the goal of linguistic integration, i.e. full use of the official language, the exchange of spiritual values between representatives of the ethnic minorities and, concurrently, the development of the ethnic identity of people belonging to ethnic groups.

100. Besides the schools where teaching is done in the official language (1,118 schools), in the Republic of Moldova there are schools, gymnasiums and lyceums in which instruction is conducted in Russian (270 schools), in Moldovan and Russian (114 schools), in Ukrainian and Russian (5 schools), in Bulgarian and Russian (4 schools), in English (2 schools), and in English and Russian (1 school).

101. In the regions inhabited by the Ukrainians, Bulgarians and Gagauzi appropriate conditions are being created for the switch-over of the instruction of children in the pre-school institutions to their native language. It should be mentioned that in the Soviet times children belonging to ethnic minorities were taught solely in the Russian language. At present, it has become possible also to conduct education and instruction of children of Jewish and Polish origin in their native languages. Belorusian, Lithuanian, Greek, Azeri and German children can learn their native language and national culture at Sunday schools established by the respective ethnic-cultural organizations.

102. Nowadays, it is possible to train teaching staff for kindergartens and schools in which instruction is carried out in the languages of ethnic minorities. In the last 10 years have been founded the State University in Comrat (teaching in Gagauz), "M. Ciachir" Pedagogical College (Comrat), "Kiril and Metodiu" Pedagogical College in Taraclia (teaching in Bulgarian), a branch of the "Stefan Neaga" Musical College (teaching in Bulgarian) in Tvardita. Departments specialized in training bilingual specialists were opened in some higher education institutions, like the "A. Russo" State University in Balti (Romanian-Ukrainian) and the "I. Creanga" Pedagogical University in Chisinau (Romanian-Gaguaz and Romanian-Bulgarian).

103 The breakdown of students of secondary vocational schools according to their nationality in the school year 1999/2000 shows

Moldovans	-	78 per cent
Russians	-	9 per cent
Ukrainians	-	7 per cent
Gagauzi	-	4 per cent
Other nationalities	-	2 per cent

104 According to the language in which the instruction is carried out, in the education institutions located in the regions inhabited by concentrated populations of ethnic minorities curriculum plans have been worked out which envisage the teaching of the native language as a school subject three times a week. At present there function in the country 1,086 schools (459,700) with teaching in the Moldovan language; 257 schools (121,200 students) teaching in Russian, and 125 mixed schools (58,900 students), including 32,200 students being instructed in Moldovan (Romanian), 26,400 students in Russian, and 300 students in Ukrainian.

Breakdown of schools and students according to the language of instruction in the 1999/2000 school year

(excluding schools for children with physical and mental handicaps)

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00
Schools - total number	1 432	1 444	1 458	1 470	1 485	1 493	1 505	1 514
Of which with the language of instruction in Romanian (Moldovan)	1 020	1 031	1 047	1 065	1 081	1 097	1 115	1 118
Russian	313	284	281	283	279	279	268	270
Romanian (Moldovan) and Russian	99	123	123	113	115	111	114	114
Ukrainian and Russian	-	6	7	7	8	3	3	5
Bulgarian and Russian	-	-	-	1	1	1	3	4
English and Russian	-	-	-	-	-	-	-	1
English	-	-	-	1	1	1	1	2
Turkish	-	-	-	-	-	1	1	-
Students - total ('000)	609.4	614.9	623.9	636.9	643.7	647.1	645.0	637.7
Of whom study in:								
Romanian (Moldovan)	431.5	444.9	458.5	477.4	485.0	492.0	495.1	494.8
Russian	177.9	169.4	164.1	157.9	156.9	154.5	149.0	142.0
Ukrainian	-	0.6	1.3	2.2	1.7	0.3	0.34	0.37
Bulgarian	-	-	-	0.03	0.03	0.12	0.16	0.16
Yiddish/Hebrew	0.4	0.5	0.5	0.3	0.5	0.6	0.6	0.7
English	-	-	-	0.1	0.1	0.1	0.1	0.36
Turkish	-	-	-	-	-	0.2	0.2	-
Of the total number of students who study their native language as a school subject: Gagauz	25.7	19.9	31.3	29.2	32.1	31.8	32.2	27.3
Bulgarian	6.8	6.1	6.8	7.1	7.8	8.3	7.8	7.5
Ukrainian	1.3	0.6	1.3	1.8	2.4	2.9	2.3	5.9
Polish	0.02	0.03	0.04	0.06	0.06	0.04	0.1	0.1
German	-	0.05	0.1	0.4	0.5	0.1	0.1	5.3
Turkish	-	-	-	-	-	0.1	-	-

105. Nowadays, the Ukrainian language is taught as a subject in 71 secondary schools and 7 lyceums, involving 10,091 students. In 16 experimental classes 338 students study all school subjects in Ukrainian. The Pedagogical College in the town of Lipcani trains teachers of the Ukrainian language and literature.

106. Bulgarian is taught in 27 pre-school institutions (13,338 children), in 26 secondary schools (7,994 students) and in 3 lyceums in Taraclia, Comrat and Ciadir-Lunga (524 students). There are 6 experimental classes, which involve 122 students where all subjects are taught in Bulgarian.

107. Sunday schools opened by some ethnic-cultural societies operate at the Palace of Nationalities, where children learn their native language, such as German, Polish, Lithuanian, and Greek.

108. At the high school level a special State programme was worked out in the field of organization of higher education in the languages of ethnic minorities. In national groups of a special profile the main subjects are taught in the students' native languages.

109. With regard to higher education, data covering the whole country indicates that in the 1999/2000 school year 43 higher education institutions were operating in the Republic of Moldova with a total number of 77,300 students. According to their ethnic origin the structure of the student body looks as follows: Moldovans - 71 per cent, Russians - 14 per cent, Ukrainians - 9 per cent, Gagauzi - 4 per cent, Bulgarians - 2 per cent. In absolute figures this structure shows: total number of students: 77,312, of whom 54,667 are Moldovans, 10,640 are Russians, 6,779 are Ukrainians, 2,692 are Gagauzi, 1,729 are Bulgarians, 209 are Jews, 8 are Gypsies and 588 are other nationalities. Two thirds of the total number of students at higher schools are taught in the official language, and 31 per cent in Russian. At the same time, there are functioning groups with the following languages of instruction: Ukrainian, English, French, German, Bulgarian and Gagauz.

Number of students according to the language of instruction in the 1998/99 school year

Language of instruction	Number of students
Romanian	50 960
Russian	23 813
English	1 336
French	858
German	49
Romanian/Russian	151
Romanian/Ukrainian	74
Ukrainian	71
Spanish	-
Total	77 312

Source: Ministry of Education and Science.

110. In the Gagauz Territorial-Administrative Unit a majority of students attending the local university are representatives of this ethnic group.

111. The Slavic University for the humanities in Chisinau teaches subjects in the field of the philology of the Slav ethnic minorities in Moldova (Russian, Ukrainian, Bulgarian) with a view to solving in a practical way the problem of the interconnection of the Slavic and Romance cultures on the territory of the Republic of Moldova.

112. The process of the transition to a market economy through which the Republic of Moldova is currently passing has required certain restructuring of the system of education. A private sector appeared in the system of secondary and higher schools, including on the initiative of the representatives of ethnic minorities.

113. Training of young teachers is carried out also on the basis of the exchange of students with other countries. About 10,700 citizens of the Republic of Moldova are currently studying abroad.

B. Culture

114. The Republic of Moldova encourages by all means the development of culture, historical research, language study and the observance of religious faiths both by the ethnic minorities and the majority ethnic group. The measures undertaken allowed the creation of a democratic policy framework that contributes to solving problems of the ethnic minorities of a linguistic and religious nature. It is focused on the following main principles:

(a) Education of people in a spirit of cultural pluralism and constitutional patriotism, of tolerance and respect towards the cultural values of each ethnic minority and of a common historic heritage;

(b) Preservation of the spiritual riches of all nationalities living in the Republic of Moldova, contributing at the same time to the integration process of the country into the European community;

(c) Creation of appropriate conditions for the full use of the State's official language, as well as for the protection of other languages spoken on the territory of the country.

115. The Republic of Moldova worked out a vast programme of development of the ethnic minorities' culture. Hence, in the period after 1990 the following documents have been adopted:

(a) Decree of the President of the Republic of Moldova No. 64 of 22 February 1991 on ensuring the development of the Ukrainian national culture in the country, and Decision No. 219 of 25 April 1991 of the Government of the Republic of Moldova on the same issue;

(b) Decision of the Government of the Republic of Moldova No. 336 of 9 July 1991 on measures to provide for the development of the Russian national culture in the country;

(c) Decree of the President of the Republic of Moldova No 0604-945 of 12 August 1991 on measures to ensure the development of the Jewish national culture and to meet the social needs of the Jewish population in the Republic of Moldova, and Decision No 682 of 9 December 1991 of the Government of the Republic of Moldova on this matter,

(d) Decree of the President of the Republic of Moldova No 79 of 30 March1992 on some measures enabling the development of the Bulgarian national culture, and Decision of the Government No 428 of 23 June 1992 on this matter

In fact, these documents express the essence of the policy of the young Moldovan State with regard to ethnic minorities

116 Culture plays a major role in the development of international understanding by making a significant contribution to the formation of human identity, and implicitly to tolerance of cultural diversity This objective of culture, solely, underlies the Law on Culture adopted on 27 May 1999 and promulgated on 28 July 1999 The creation of adequate conditions for persons belonging to ethnic minorities not only ensures the development of their culture and the preservation of their ethnic identity, religion, language, customs and traditions and their cultural heritage, it also provides for the development of interethnic harmony and unity within the State The ideas reflected in the above-mentioned documents lay the basis of the statutes of the ethnic-cultural organizations in the country

117 In January 1997 the Law on Public Associations came into force (Monitorul Oficial No 6 of 23 January 1997) On the basis of this law, to date, 46 ethnic-cultural organizations have been officially registered by the Ministry of Justice They make a significant contribution to the development of the social-cultural life of the country and contribute to the exercise of the rights of people to preserve, develop and express their cultural, linguistic, religious and ethnic identity conferred by the Constitution The forms of these organizations vary There are 11 communities, 14 societies, 2 unions, 4 centres, 4 associations, 4 foundations, etc As a whole, 18 ethnic minorities have established associations Ukrainians, Russians, Bulgarians, Gagauzi, Jews, Belorusians, Poles, Germans, Gypsies, Greeks, Lithuanians, Armenians, Azeri, Tatars, Chuvashi, Italians, Koreans and Uzbeki

118 Ethnic-cultural organizations involve citizens of the Republic of Moldova belonging to ethnic minorities They are founded on a voluntary basis, are non-governmental and non-profit organizations The Law on Public Associations does not provide for any restriction of the freedom of association on the basis of ethnic criteria Similar organizations were created in localities populated also by Ukrainians, Russians, Bulgarians, Jews and Poles, in particular in the cities of Soroca, Balti, Orhei, Cahul, Comrat, Bender, Tiraspol, etc These organizations contribute to the preservation and development of the national traditions, languages and cultures of each ethnic minority whose representatives inhabit the Republic of Moldova, to the knowledge of the history of the countries of origin, to the consolidation of relations between Moldova and the countries that are the minorities' historic homelands At the same time, ethnic-cultural organizations contribute to the popularization and dissemination of the spiritual heritage of Moldovans among ethnic minorities

119 Lately, a new form of organization of people belonging to ethnic minorities has evolved, i e communities/organizations of a social, cultural and humanitarian nature Representatives of the Ukrainian, Russian, Bulgarian, Belorusian, German, Azeri and Armenian minorities created national communities that do not limit their activities to those of a purely cultural nature, they seek to ensure respect for their members' civic, economic, social and religious rights

120 Decision of the Government of the Republic of Moldova No 998 of 28 September approved the structure of the Department for National Relations and Languages, providing for the creation of a section responsible for the development of the official language and control over compliance with the national linguistic legislation Its responsibilities include protection of the ethnic minority languages spoken on the territory of the country

121 One of the main tasks of the Department is to support the statutory activities of the ethnic-cultural organizations With a view to creating appropriate conditions for carrying out the activities of the ethnic-cultural groups in the Republic of Moldova, the Palace of Nationalities was inaugurated at the Department on 1 June 1996 Twenty-six minority associations have their headquarters there Conference halls and auditoriums host various activities of the ethnic-cultural groups round tables, seminars, competitions, exhibitions of fine arts and others

122 An important role in interethnic cooperation is given to non-governmental organizations in various fields (economic, cultural, sports, scientific, etc) Recently, the Ministry of Justice reregistered all national-level NGOs in the Republic of Moldova According to the data offered by the "Contact" National Centre for Assistance and Information on the NGOs registered in the Republic of Moldova, there are 585 non-governmental organizations in the country Their main fields of activity are as follows culture (22 14 per cent), education (20 41 per cent), human rights, including economic rights (8 82 per cent), international relations (7 43 per cent), etc

123 The growing number of NGOs represents a positive factor for a society that aspires to become truly democratic The NGOs activities are based upon the principles of respect for human rights, free access to information, tolerance and solidarity, and equality among people and their responsibilities to the State

124 Under the principle of equality and the universality of laws in the field of culture, ethnic minorities have the opportunity to develop their traditional culture and national art and to carry out activities in various fields of intellectual creation Nowadays, most of the educational institutions in the field of art created groups of students who speak other languages and give instruction in Russian The "Serghei Rahmaninov" Musical Lyceum teaches its students only in Russian Fifty scholarships are offered annually to students attending language courses who come from Romania The University of the Arts has trained new troupes, the educational process being conducted in the Russian language, for the "A P Cehov" State Drama Theatre and the "Licurici" Puppet Theatre

125 At present, 30 amateur theatres operate in the country A specific genre of popular drama has evolved on the Moldovan stage It performs historical-legendary, religious and secular plays based on the old traditions of the native folklore, as well as on the traditions of the Ukrainian,

Russian, Bulgarian and Greek ethnic minorities. The process of cultural interconnection is well developed in the country, and the 600 musical and dance groups that perform in various regions of Moldova promote the idea of multiculturality.

126. Among the most popular cultural institutions are the "A.P. Cehov" Russian Drama Theatre, the "S. Rahmaninov" Musical Lyceum, the Russian Theatre Lyceum in Chisinau, the "M. Ciachir" Gagauz Theatre in Comrat, the "O. Panov" Cultural Centre in Taraclia, etc., artistic groups are the Russian Instrumental Group conducted by V. Rahmanov, the "Cadinja" Folklore Group, the "Ucrainocica" Folklore Group, etc.

127. Every year festivals of the national traditions and cultures are held in Moldova: a children's multi-ethnic festival in January and June, spring feasts in March in Martisorul, Maslenita, Topenie Mojani and Novruz Bairam, intercultural manifestations such as the Days of the Slavic Written Language and Culture in May, and the "Limba Noastra" in August, etc. An important role is played by the traditional festivals "Nufarul Alb", traditionally held in Cahul, the "Martisor" annual festival "Martisor" which lasts 10 days and is held in Chisinau and other cities, the "Crizantema de Argint" singing competition whose winners take part at the "Romanta de Aur" competition in Romania. In the Gagauz Territorial-Administrative Unit there are 24 amateur groups that enjoy the support of the State, while in the whole country 87 artistic groups have been formed.

128. All these entities of cultural communion - artistic groups, non-governmental cultural associations, museums, theatres, educational art institutes, cultural associations of the ethnic minorities inhabiting the Republic of Moldova - function on the basis of their statutes, each of which makes substantial provision for cultural interconnection and the development of intercultural understanding which is, in fact, the motivation for their existence.

129. Cultural interconnection is a phenomenon which is worth analysing in depth since it represents an important instrument for ensuring spiritual rapprochement and the enrichment of all ethnic groups living in the Republic of Moldova.

130. Under the Soviet regime the Gagauz people did not have a national school, the Gagauz language was disregarded, nothing was really done for the development of this minority's culture. Education, training and cultural activities were carried out in Russian. The Gagauz Territorial-Administrative Unit is an eloquent example of the revival of the group's national culture and traditions, as well as of integration into the social-political environment of the Republic of Moldova. The development of the Gagauz national language and culture is one of the priority objectives of the Gagauz society. In the localities inhabited predominantly by the Gagauzi, scientists are studying the original national folklore. Folk music and dances, fine arts and traditional handicrafts are well developed there. In some settlements local museums exhibit objects of the Gagauz material and spiritual culture. Comrat State University has 1,870 students. A whole network of Gagauz schools and lyceums is being created. The curriculum of the Gagauz national school should combine the local specificities with modern educational requirements. The national Gaguaz theatre was inaugurated in the town of Ciadir-Lunga. Two newspapers and a magazine are published in the Gagauz language, with a supplement for children. In the Gagauz-Yeri Territorial-Administrative Unit are 27 cultural entertainment

institutions (culture halls), 50 libraries, 15 art schools, and 6 museums; 147 amateur artistic groups have their activities there, including 17 groups that have received the title of "best artistic group". The activities of these groups creates a proper framework for the preservation and development of the authentic folklore, customs and traditions of this ethnic group.

131. Important elements in the development of the Bulgarian national culture were the Decree of the President of the Republic "On measures to develop the national culture of the Bulgarian people inhabiting the Republic of Moldova of 30 March 1992, the Decision of the Government of the Republic of Moldova "On the development of the national culture of the Bulgarian population of the Republic of Moldova" of 23 June 1992. The Decision of the Government "On the foundation of a school-lyceum in Taraclia" of 9 July 1992, and numerous activities carried out in the fields of Bulgarian national education, culture, art, and in many other spheres. These measures provided for the consolidation of both interethnic relations in the country and the relations between Moldova and Bulgaria on the State and Government levels. In the first years of its independence the leadership of the Republic of Moldova supported the idea of the creation of Taraclia, the centre of the region inhabited mainly by Bulgarians. This has been legitimated in the Presidential Decree issued on 30 March 1992.

132. At present, there are seven Russian groups with the title of "best artistic group" functioning in the towns of Anenii Noi, Basarabeasca, Camenca, Taraclia and Balti, and over 20 groups involving about 950 participants. These groups take part in all traditional Russian folklore festivities, such as the Days of the Slavic Written Language, and the Days of Russian Culture in the Republic of Moldova.

133. International festivals, culture days, conferences and symposiums in this field have also contributed significantly to the change of mentality, overcoming prejudices, and the consolidation of understanding, tolerance and friendship between nations and ethnic groups.

134. In 1997 in Chisinau, in accordance with the Protocol between the Government of the Republic of Moldova and the Government of the State of Israel on the establishment on a reciprocal basis of cultural centres and on their activities, the Cultural Centre of Israel was inaugurated in Chisinau. The extension of the sphere of use of the Hebrew language and the revival and development of culture and traditions constitute the priority directions of the activities of the Association of Jewish Organizations and Communities of the Republic of Moldova. In Moldova there are two Jewish secondary and eight Sunday schools, and the "Mangher" city library. A number of mass media are operating in the country, including the Vocea noastra and Doreinu newspapers, a radio programme, Viata Evreiasca, and a TV programme, Pe strada evreiasca.

135. Efforts are currently being made with a view to opening a Centre of Russian Culture in Chisinau.

136. In December 1994 the Law on Libraries was promulgated (Monitorul Oficial No. 2 of 12 January 1995). In conformity with this law a special council was established with the responsibility of monitoring the national policy in the field of library administration (art. 16). To date, pursuant to this law, six libraries of ethnic minorities are operating in the capital city

of Chisianau. Nine libraries in Moldova have books exclusively in the Russian language. Public libraries have a considerable number of books edited in Russian (12,028,600 units, or 58 per cent of the total number of books in the stock of the country's public libraries).

137. The history and culture of ethnic minorities are being studied at the Interethnic Research Institute of the Academy of Sciences of the Republic of Moldova. Five departments involve experts in Ukrainian, Russian, Gagauz, Bulgarian and Jewish history and culture. The invaluable ethnographic collections of Gagauz, Bulgarian, Russian and Ukrainian history and culture are exhibited in one of the oldest museums of the country - the National Museum of Ethnography and Natural History.

138. People belonging to ethnic minorities, as well as non-governmental organizations, have the opportunity to carry out their activities freely both on the national and international levels. The Department for National Relations and Languages facilitates contacts with people and public associations of other countries, especially Ukraine and Romania. Thus, in the course of several years there have been established contacts between the Ukrainian organizations of Moldova and public associations in Ukraine. Lippovans (members of the old Orthodox group) in the Republic of Moldova established ties with the Moldovan diaspora residing abroad. Relations are maintained with Moldovan associations established in the ex-Soviet area, as well as with persons originating from Moldova and currently residing in Western countries. Moldova develops cross-boundary cooperative relations and organizes manifestations of friendship with its neighbours, especially Ukraine and Romania.

139. In summing up the information mentioned above, it is worth stressing that cultural institutions and associations of the Republic of Moldova are functioning within an adequate legal framework with respect to the fight against racial discrimination and the development of mutual international and intercultural understanding. The problems are rather of a common than of an ethnic nature - they occur in conditions of financial austerity and a precarious social-economic situation.

C. Publications and audio-visual broadcasting

1. Publications

140. On the basis of the Law on the Press promulgated in January 1995 (Monitorul Oficial No. 2 of 12 January 1995), freedom of expression was proclaimed, as well as the prohibition of incitement to national and religious hatred (art. 4). The provisions of this law are directed towards strengthening the role of the media as an instrument of exchange of cultural values among the ethnic communities in the Republic of Moldova. Also, special attention is given to the improvement of the quality of programmes broadcast by the National Radio-Television in the ethnic minorities' languages.

141. About 50 per cent of all periodicals in Moldova are published in the languages of ethnic minorities. It should be mentioned, in this context, that this figure is quite unfair to the native population of the country that is currently passing through the process of consolidation of its statehood. Most of the periodicals published in the languages of ethnic minorities are in Russian. There are also periodicals published in the Bulgarian, Gagauz and Yiddish languages. Also,

fiction and scientific books are published in Russian, Ukrainian, Bulgarian, Gagauz and Yiddish, and training and information literature is published in English, French, Spanish, German and other languages.

2. Audio-visual broadcasting

142. A specially created Editorial Board operating within the Teleradio-Moldova State Company broadcasts programmes in the ethnic minority language of the Ukrainians, Russians, Gagauzi, Bulgarians, Jews and Gypsies. The Editorial Board views as its main goal reflection and propagation of the State policy in the field of interethnic relations, broadcasting programmes in the languages of the ethnic minorities as well as about the minorities in the State's official language. These programmes present objective, truthful and impartial information about the social-political, economic and cultural life in the Republic of Moldova, as well as about the ethnic communities of the country, their relationships, and the relationships of the government structures with the similar bodies in other countries. While ensuring the access of members of ethnic minorities to information in their native languages, the Editorial Board carries out its activities in conformity with the provisions of the Constitution, fundamental human rights and freedoms, and the principles of Christian morality. The Editorial Board contributes to the development of the native languages of the largest ethnic communities and to the propagation and preservation of their cultures, providing at the same time an objective, non-provocative and non-prejudicial perspective with regard to other minorities' languages and culture in Moldova. To this end, cooperation with the radio stations of the countries that have their diaspora in the Republic of Moldova remains an important task of the Board. It also takes advantage of the fact that the Department for National Relations and Languages is realizing one of its goals: support and cooperation with the Moldovan ethnic-cultural societies in other countries.

143. Considering the above, the activities of the Editorial Board in broadcasting in the ethnic languages is focused on the following:

(a) Reflection of the activities of the parliamentary and governmental structures in the domain of national policy and interethnic relations;

(b) Reflection of the process and elucidation of the problems of the harmonious integration of ethnic minorities into the environment and culture of the majority ethnic group;

(c) Reflection of the social-political, economic and cultural activities of the State with regard to the needs, concerns and interests of ethnic communities;

(d) Dissemination of the official language of the country in the environment where other languages are spoken;

(e) Reflection of the training and educational processes in minority schools;

(f) Rehabilitation and development of the native languages;

(g) Reflection of the activities to support the Moldovan diaspora in other countries;

(h) Cooperation with radio broadcasting companies of the historic motherlands of the ethnic minorities in Moldova;

(i) Supplementing its literary, artistic and musical archives in the languages used in its broadcasts.

144. The following programmes broadcast in the minority languages may be mentioned:

(a) "Vidrojdenia" (Renascence) - the programme in the Ukrainian language broadcast weekly, every Thursday, on channel 1, at 8.30 p.m. for 30 minutes. Every last Thursday of the month the time is extended by 15 minutes. The programme is meant for the most numerous ethnic community of Moldova and has an informative, instructive and cultural character. The main segments of the "Vidrojdenia" programme are as follows:

- "Current events in Moldova and Ukraine";
- "National Ukrainian School in Moldova";
- "From the history of Moldovan-Ukrainian relations";
- "Moldova - our motherland";
- "Renascence of popular traditions";
- "Ukrainian literature classics";
- "Forerunners";
- "Songs of our ancestors";
- "Ukrainian promenade";
- "Nighttime fairy tale".

(b) "Ruschii Dom" (Russian House) - the programme in the Russian language broadcast twice a month, on Wednesdays, on channel 1, at 8.30 p.m. for 30 minutes. Its audience, more than any other ethnic minority audience, benefits from a large number of radio programmes broadcast in their native language by other editorial boards and departments. Thus, the programme elucidates some specific problems relating to education, culture, science, and support offered by Russia to the Russian minority. Its main task is tackling the issues of integration of ethnic Russians and the Russian-speaking population into the environment and culture of the native population. Its objectives are presented in the following segments:

- "Life of the Russian community";
- "Moldova - our motherland"

- "Russian school in Moldova",
- "Russians in Moldova: historical aspects";
- "Russian theatre invites ...";
- "Russian literature in Moldova";
- "At the listeners' request";
- "A letter to the Russian House";
- "Let's not forget to do good things";

(c) "Bujan Dalgasanda" (On the steppe's radio wave) - the programme in Gagauz, broadcast twice a month, on Fridays, at 8.30 p.m. on channel 1, for 30 minutes. The programme maintains a cultural, literature and artistic character. The following segments show its main topics:

- "Current events in Moldova";
- "Economic news";
- "Education in the native language";
- "Theatre at the mike",
- "Cultural meridian";
- "Our writers";
- "Sound letter";
- "Countryside and its people",
- "Popular calendar";
- "Hand-bell" (Readings for children),

(d) "Radiomegdan" (Native Land) - the programme in Bulgarian, broadcast twice a month, on Fridays, at 8.30 p.m. on channel 1, for 30 minutes. It has the following segments:

- "Bulgarians in Moldova",
- "Education in the Bulgarian language";

- "Radio broadcast from Bulgaria";
- "Scientific meridian";
- "Popular calendar";
- "Artistic readings";
- "With love to our nation";

(e) "Idis Labn" (Life of the Jews) - broadcasts in Yiddish and Hebrew, twice a month, on Wednesdays, at 8.30 p.m. on channel 1, for 30 minutes. It includes the following segments:

- "News of Jewish life";
- "Jewish presence in the country's history";
- "From the literary heritage of the Bassarabian Jews in the 1930s-1940s;
- "From the Jewish history and culture";
- "Musical debut on the Idis Labn";
- "Yiddish culture in Moldova and other countries";
- "History of a song";
- "The Programme's Mailbag";
- "From the darkness of time" (from the world history of the Jews);
- "Anti-Semitism: history and presence";

(f) "Petalo Romano" (Gypsy's Horseshoe) - the programme in the Gypsy language, broadcast on the last Tuesday of the month, on channel 1, at 8.30 p.m. for 30 minutes. It has the following segments:

- "Current events";
- "Moldova - our motherland";
- "How we speak";

- "The Romany holidays";

- "At the Gypsy camp";

(g) "Patria" (Motherland) - an information programme about the activities of the cultural societies of the ethnic minorities of Moldova, broadcast in the Romanian and Russian languages every Tuesday on channel 1 at 10.10 a.m. for 15 minutes. The main goal of the programme is to reflect the lives of the ethnic groups that do not have special programmes, as well as the activities of the Department for National Relations and Languages, the Institute of National Minorities of the Moldovan Academy of Sciences, the Council for Interethnic Relations and the other relevant institutions. There is also some broadcasting in the languages of some ethnic communities. It includes the following segments:

- "Current events";

- "Cohabiting ethnic groups: historical presence" (history of the ethnic groups, their settlements, cultures and achievements);

- "Community" (the integration process of ethnic minorities into the environment of the ethnic majority population);

- "Sunday school";

- "The culture of interethnic relations";

- "Congratulations".

145. All these activities are carried out with a view to contributing to the consolidation of the framework of an adequate social and legal culture.

146. The State policy of the Republic of Moldova in the field of the rights of the child is directed towards ensuring the realization of the main principles of the Convention on the Rights of the Child without distinction as to race, language, religion, national, ethnic or social origin, or of any other circumstance. The provisions of article 30 of the Convention on the Rights of the Child, which prescribes that ethnic minorities "shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language", are a constitutional norm in the Republic of Moldova and a component part of its basic laws - the Constitution (art. 10) and the Law of the Republic of Moldova on Education, which offers to children (totalling 640,400), including the children of the ethnic minorities, equal opportunities to study.

147. The situation in Transnistria. In the Transnistrian region, which is, de facto controlled by the separatist authorities of the self-proclaimed Dniester republic, a discriminatory policy has been pursued towards the native population (Moldovans) of the Tiraspol, Dubasari, Ribnita, Camenca, Grigoriopol and Slobozia regions, who comprise 41 per cent of the total population of

about 600,000 people inhabiting this region. This policy infringes upon the right of the native population to learn their native language and use the Latin alphabet, forbids social-political pluralism, imposes various restrictions on the freedoms of association and assembly, applies the ex-Soviet jurisdiction and refuses to adapt it to international standards. Local authorities continue to use torture and inhuman and degrading treatment on political detainees. An eloquent example is the attitude of the local authorities towards the Ilascu group. Ilie Ilascu, elected in two consecutive elections as a member of the Parliament of the Republic of Moldova, has been held in custody for eight years without recognizing his right to parliamentary immunity - an unprecedented case in post-war Europe.

148. In this context, it should be noted that the Tiraspol separatist leaders imposed in the localities over which it maintains its authority an abusive and discriminatory regime with regard to the use of languages. The unconstitutional law imposed by this regime in 1992 provides for the use of the Russian script for writing the Moldovan (Romanian) language. In 1994 in the eastern region education based on the use of the Latin alphabet was forbidden. Over 35,000 children are deprived of the right to study in the Romanian language on the basis of the Latin alphabet and in the curriculum elaborated in the Republic of Moldova. Most of the students do not have the possibility to learn the official language. Only in 8 out of 77 educational institutions, children have the possibility to learn Romanian and in accordance with the programmes designed in the Republic of Moldova. Also, kindergartens, schools, gymnasiums and lyceums lack adequate teaching materials. By such means the Tiraspol regime pursues the policy of cultural isolation and of spiritual genocide vis-à-vis the native population.

149. There is no fiction or scientific literature published in the Romanian language based on the Latin script in this region. Children finishing secondary school in the localities under the unconstitutional Tiraspol regime are being confronted with major obstacles in being admitted to higher education institutions since teaching in the Moldovan schools, in the Transnistrian region cannot provide a level of knowledge comparable to that obtained on the territory administered by the constitutional authorities of the Republic of Moldova.

References

The present report is based upon documents and statistical data of the various governmental structures: the Department for National Relations and Languages, the Moldovan Academy of Sciences, the Ministry of the Economy and Reforms, the Ministry of Finance, the Ministry of Labour and Social and Family Protection, the Ministry of Health, the Ministry of Education and Science, the Ministry of Culture, the Department of Statistical Analysis and Sociology, the State Service for Religious Issues. Also, sources of the Centre for Human Rights in Moldova, as well as those of United Nations offices in the Republic of Moldova were consulted.